

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ASUS TECHNOLOGY LICENSING
INC., et al,

Plaintiffs,

v.

AT&T CORP., et al,

Defendants.

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CASE NO. 2:23-CV-00486-JRG-RSP
(Lead Case)


ORDER

ASUSTeK Computer Inc. previously filed a Motion to Dismiss Counterclaims Against ASUSTeK (Dkt. No. 102.) Magistrate Judge Payne entered a Report and Recommendation (Dkt. No. 377), recommending denial of ASUSTeK's Motion to Dismiss in all respects except for ASUSTeK's motion to dismiss Defendants' non-infringement counterclaims I–IV. ASUSTeK has now filed Objections (Dkt. No. 392.)

After conducting a *de novo* review of the briefing on the Motion to Dismiss, the Report and Recommendation, and the briefing on ASUSTeK's Objections, the Court agrees with the reasoning provided within the Report and Recommendation and concludes that the Objections fail to show that the Report and Recommendation was erroneous. Consequently, the Court **OVERRULES** ASUSTeK's Objections and **ADOPTS** the Report and Recommendation and orders that the Motion to Dismiss (Dkt. No. 102) is **DENIED** except as to Counterclaims I–IV.

It is **ORDERED** that Defendants' Counterclaims I–IV are **DISMISSED** for lack of subject matter jurisdiction.

So ORDERED and SIGNED this 31st day of March, 2025.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE